



U.S. Consulate General Surabaya, Indonesia

GENERAL INFORMATION SHEET FOR FIANCEES/FIANCES

A citizen of a foreign country who would like to come to the United States to marry an American citizen and reside in the U.S. will have to obtain a K-1 visa. Both petitioner and beneficiary must be legally able and willing to conclude a valid marriage in the United States. The petitioner and beneficiary must have previously met in person within the past two years.

1. Section 101(a)(15)(K) of the Immigration and Nationality Act, as amended, provides **non-immigrant visa classification** (K-1) for aliens proceeding to the United States to marry American citizens. The marriage must take place within 90 days of admission into the United States. Following the marriage, the alien spouse must apply to the INS to establish a record of entry for conditional permanent residence status. After two years, the alien may apply to the INS for removal of the conditional status.

2. To establish K-1 visa classification for an intended alien spouse, an American citizen fiancée/fiance must file a petition (Form I-129F) with the Immigration and Naturalization Service office having jurisdiction over the place of the petitioner's residence in the United States. Such a petition may not be adjudicated by consular officers nor by offices of the United States Immigration Service abroad. If approved, the petition will be forwarded by INS in the United States to the American consular office where the alien fiancée/fiance will apply for her/his visa.

The minor child or children of a beneficiary derive K-2 status from the beneficiary. A separate petition for such a child or children is not required if the children accompany or follow the alien fiancée within one year from the date of the issuance of the K-1 visa, but such child or children must be named in the appropriate space on the petition. Thereafter a separate immigrant visa petition is required. A petition is valid for 4 months from the date of approval by the Immigration and Naturalization Service.

3. Upon receipt of an approved petition, the American consular office will notify the beneficiary and give her/him the necessary forms and instructions to apply for a "K" category visa. A fiancée/e visa applicant is an intending immigrant and must meet documentary requirements similar to the requirements of an immigrant visa applicant. Applicants must pay a non-refundable application fee of US\$100.00 in Indonesian Rupiah, and should also provide the following documentation to support their application:

- a. Valid passport
- b. Birth certificate
- c. Evidence of termination of any prior marriage of beneficiary if the petition does not indicate that such evidence was previously submitted
- d. Police certificate. (If the applicant has lived in a place or places other than the last residence for 6 months or longer since her/his 16th birthday, she/he may additionally be required to obtain a police certificate from such place or places)
- e. Medical examination
- f. Sworn statement that the alien fiancée/fiance is legally free to marry and intends to marry the US citizen petitioner within 90 days of the fiancée/fiance's arrival



U.S. Consulate General Surabaya, Indonesia

- g. Evidence of support which will show that the beneficiary and accompanying children, if any, are not likely to become public charges while in the United States
 - h. Accompanying minor child or children require valid passport(s) or may be included in the parent's passport, birth certificate, and medical examination. If a child is over the age of 16, police certificate(s) are required.
4. As soon as the processing of a case is completed, and the applicant has in her/his possession all the necessary documents, a consular officer will interview her/him to determine her/his eligibility for a "K" category non-immigrant visa. If found eligible, the visa will be issued gratis, valid for a single entry and a period of six months.
5. **Visa Ineligibility/Waiver:** Applicants who have a communicable disease, or have a dangerous physical or mental disorder; are drug addicts; have committed serious criminal acts, including crimes involving moral turpitude, drug trafficking, and prostitution; are likely to become a public charge; have used fraud or other illegal means to enter the United States; or are ineligible for citizenship, must be refused a visa. The two-year foreign residency requirement for former exchange visitors is also applicable. If found to be ineligible, the consular officer will advise the applicant if the law provides for a waiver.